

## **CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms**

**ISSUE:** As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions as early as January 22, 2018.

### **BACKGROUND:**

- In 2008, EPA published a final rule that exempted farms from reporting hazardous substance air releases from animal waste under CERCLA, and only subjected large concentrated animal feeding operations (CAFOs) to Emergency Planning and Community Right-to-Know Act (EPCRA) reporting.
- Citizen groups challenged the validity of EPA's rule, and the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption no longer applies.
- Farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period.
- If a farm releases certain hazardous substances above their designated "Reportable Quantities," then the farm owner or operator must follow the reporting requirements. Ammonia (NH<sub>3</sub>) and hydrogen sulfide (H<sub>2</sub>S) are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their Reportable Quantity of 100 lbs within a 24-hour period.
- Farmers must immediately notify the NRC of any SSI or of a change in previously submitted release information. This is an ongoing requirement and is most likely to be triggered by:
  - An increase in the number of animals maintained on the farm (beyond the range used for the initial report) or
  - A significant change (or disruption) in waste handling systems or procedures.

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### **TALKING POINTS:**

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